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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

STUDENT DOE NO. 1

Case No. 5:25-cv-00847-SSS-SHK

Plaintiff(s),

**CIVIL STANDING ORDER**

v.

KRISTI NOEM, et al.

Defendant(s).

**CIVIL STANDING ORDER**

1       **PLEASE READ THIS ORDER CAREFULLY. IT GOVERNS THE CASE**  
2       **AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

3              Plaintiff's counsel must serve this Order immediately on all parties and/or their  
4              attorney(s), including any new parties to the action. If this action came to the Court  
5              through noticed removal, Defendant's counsel must immediately serve this Order on  
6              all other parties.

7              Both the Court and all counsel bear responsibility for the progress of litigation  
8              in this Court. **The term "Counsel," as used in this Order, includes parties**  
9              **appearing pro se.**<sup>1</sup> To secure the just, speedy, and inexpensive determination of  
10             every action, all counsel are **ORDERED** to familiarize themselves with the Federal  
11             Rules of Civil Procedure and the Local Rules of the Central District of California.  
12             Fed. R. Civ. P. 1.

13             Unless the Court orders otherwise, the following rules apply.

14       **I. GENERAL**

15       **A. Service of the Complaint**

16             The plaintiff must promptly serve the complaint in accordance with Federal  
17             Rule of Civil Procedure 4 and must comply with Local Rule 5-3 with respect to all  
18             proofs of service.

19       **B. Removed Actions**

20             Any answers filed in state court must be e-filed in this Court, either as an  
21             exhibit to the Notice of Removal or as a separate filing. Any pending motions must  
22             be re-noticed in accordance with Local Rule 6-1.

23       **C. Assignment to a Magistrate Judge**

24             Under 28 U.S.C. § 636, the parties may consent to have a Magistrate Judge

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26       <sup>1</sup> This Court does not exempt parties appearing pro se—that is, parties who are not  
27             represented by an attorney—from compliance with the Federal Rules of Civil  
28             Procedure or the Local Rules. See C.D. Cal R. 1-3 and 83-2.2.3.

1 preside over the entire case, including trial, rather than just discovery. One benefit  
2 to giving such consent is that the parties almost always will be able to proceed to  
3 trial sooner than on a District Judge's calendar. Additionally, the parties are free to  
4 select from among all Magistrate Judges available for this purpose and are not  
5 limited to the Magistrate Judge assigned to this case. The Magistrate Judges all  
6 have experience and expertise in a variety of areas, including patent and trademark  
7 litigation. If the parties agree to consent to proceed before a Magistrate Judge, the  
8 parties should consult the Central District's website for the list of available  
9 Magistrate Judges and should submit the appropriate consent form.<sup>2</sup>

10 **D. Telephonic and Video Appearances.**

11 The Court does not conduct telephonic hearings. By default, **all hearings,**  
12 **with the exception of hearings on motions in limine, Final Pretrial**  
13 **conferences, and trials, must proceed remotely by video appearance on Zoom,**  
14 unless a request is made by the parties to appear in person and this request is  
15 granted by the Court. Requests for an in-person appearance must be filed one (1)  
16 week before the hearing and must indicate that counsel has met and conferred with  
17 opposing counsel consistent with Local Rule 7-3. **Hearings on motions in limine,**  
18 **Final Pretrial Conferences, and trials must be heard in person.**

19 **II. FILINGS**

20 **A. Electronic Filings and Proposed Orders**

21 Counsel must file all civil and criminal filings pursuant to Federal Rules of  
22 Civil Procedure 5(d)(3) and Local Rule 5-4. Each party filing a motion, opposing a  
23 motion, or seeking the determination of any matter must serve and electronically  
24 lodge a proposed order setting forth the relief or action sought and a brief statement

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27 <sup>2</sup> The list of available Magistrate Judges and the consent form can be found at  
28 [https://www.cacd.uscourts.gov/judges-requirements/court-programs/  
voluntaryconsent-magistrate-judges](https://www.cacd.uscourts.gov/judges-requirements/court-programs/voluntaryconsent-magistrate-judges).

1 of the rationale for the decision with appropriate citations. Counsel must file items  
2 as follows:

- 3 • Non-Signature Items: must be **filed** in **PDF** format.
- 4 • Proposed Signature Items: must be **filed** as an attachment to the main  
5 document in **PDF format**. All proposed signature items must also be  
6 **emailed** in **Microsoft Word (“Word”)** format to the chambers email  
7 at SSS\_Chambers@cacd.uscourts.gov on the day the document is filed.

8 **Only proposed order signature items should be emailed to the  
9 chambers’ email address.** Do not email other associated documents  
10 and do not use this email address for communication with the Court or  
11 the Clerk.

12 A template for proposed orders is available on Judge Sykes’ webpage at  
13 <https://www.cacd.uscourts.gov/honorable-sunshine-s-sykes>. The parties must use  
14 this template. Failure to submit a proposed order via email in Word format may  
15 result in the Court striking the motion, application, or stipulation without  
16 consideration of the request on its merits.

17 **Note for Parties Who Do Not Have an Attorney:** Pro se litigants—that is,  
18 parties who are not represented by an attorney—may submit documents for filing  
19 through the Court’s Electronic Document Submission System (“EDSS”) instead of  
20 mailing or bringing documents to the Clerk’s Office. Only internet access and an  
21 email address are required. Documents are submitted in PDF format through an  
22 online portal on the Court’s website. To access EDSS and for additional  
23 information, visit the Court’s website at <https://apps.cacd.uscourts.gov/edss>.

24 **B. Mandatory Chambers Courtesy Copies**

25 All original filings are to be filed electronically pursuant to Local Rule 5.4.  
26 The Court requires one (1) mandatory chambers copy of **only** the following filed  
27 documents: motion(s) for class certification; motions(s) for preliminary approval of  
28 class action; motion(s) for final approval of class action; motion(s) for summary

1 judgment (oppositions, reply, exhibits); motion(s) for preliminary injunction  
2 (oppositions, reply, exhibits); and trial documents.

3 Chambers Copies must be delivered to the “Courtesy Box” located outside of  
4 Courtroom 2 on the 2nd floor at the United States District Court, 3470 12th Street,  
5 Riverside, California 92501, no later than 5:00 p.m. on the first day following the  
6 filing. All Mandatory Chambers Copies must comply with the document formatting  
7 requirements of Local Rule 11-3, **except for the blue-backing requirement of**  
8 **Local Rule 11-4.1, which is waived.** If the filing party and its counsel fail to  
9 deliver a Mandatory Chambers Copy in full compliance with this Order and Local  
10 Rule 11-3, the Court may, on its own motion, reschedule any related hearing and  
11 impose sanctions. **Pro se parties are exempt from this requirement.**

### 12 III. REQUESTS

#### 13 A. Ex Parte Applications

14 Counsel are reminded that ex parte applications are solely for extraordinary  
15 relief. Applications that do not explain why ex parte relief<sup>3</sup> is justified and/or fail  
16 to satisfy the requirements established under Local Rule 7-19 will not be  
17 considered. Sanctions may be imposed for misuse of ex parte applications. Counsel  
18 must include a statement in the ex parte application a statement to the following  
19 effect: “This ex parte application complies with Local Rule 7-19’s requirements.”  
20 The Court considers ex parte applications on the papers and typically does not set  
21 the matters for hearing.

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<sup>3</sup> To justify ex parte relief, the moving party must make two showings: (1) “the evidence must show that the moving party’s cause will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures” and (2) “it must be established that the moving party is without fault in creating the crisis that requires ex parte relief, or that the crisis occurred as a result of excusable neglect.” *Mission Power Eng’g Co. v. Cont’l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995).

1           **B. Continuances**

2           Counsel requesting a continuance must lodge, prior to the date to be continued,  
3 a proposed stipulation and order including a detailed declaration of the ground for  
4 the requested continuance or extension of time. The Court grants continuances only  
5 upon a showing of good cause, focusing on the diligence of the party seeking the  
6 continuance and any prejudice that may result if the continuance is denied. Counsel  
7 are required to meet and confer with opposing counsel regarding the substance of  
8 the continuance before filing the anticipated request, and any request must include  
9 a statement of compliance with Local Rule 7-3 (*see supra* VII.A). Failure to meet  
10 and confer in good faith in compliance with the Local Rules and this Order may  
11 result in denial of the request for continuance.

12           **C. Stipulations to Amend**

13           Parties filing an amended pleading pursuant to Federal Rule of Civil  
14 Procedure 15(a)(2) must file the stipulation to amend the pleading. The parties  
15 must attach to the stipulation a clean and readline version of the proposed  
16 amended pleading and a proposed order. The parties' proposed order should  
17 address any hearing affected by the filing of the amended pleading.

18           **D. Communications with Chambers**

19           Counsel must not contact the Court or chambers staff by email, telephone, or  
20 by any other ex parte means. Counsel may, for appropriate matters only, contact  
21 the CRD via the Chambers' email at SSS\_Chambers@cacd.uscourts.gov. Counsel  
22 must not contact the CRD regarding the status of any matter before the Court. Calls  
23 or emails regarding the status of submitted motions, stipulations, or proposed  
24 orders will not be returned. Counsel may determine the status of any submitted  
25 motion, stipulation, or proposed order by accessing the docket sheet through  
26 PACER, which can be accessed via the Central District of California's website.  
27 Counsel must include on all papers their email address, telephone number, and  
28 fax number to facilitate communication with the CRD.

1           **IV. COURTROOM PROCEDURES**

2           **A. Invitation to Self-Identify Pronouns and Honorifics**

3           Litigants and counsel may indicate their pronouns and honorifics by filing a  
4 letter, adding the information in the name block or signature line of the pleadings,  
5 or verbally informing the Court when making an appearance.

6           **B. Courtroom Decorum**

7           The Court expects everyone in the courtroom to treat each other with dignity  
8 and respect. Therefore, at a minimum, the Court expects the following<sup>4</sup>:

- 9           • Being punctual and prepared for all court appearances.
- 10          • Speaking and writing civilly and respectfully in all communications  
11           involving the Court. This includes:
  - 12           ◦ Referring to and addressing witnesses, counsel, parties, and court  
13           personnel by their surnames, pronouns, and honorifics, unless leave  
14           to do so is otherwise granted.
  - 15           ◦ Refraining from interrupting any other person in the courtroom when  
16           someone else is speaking. The same courtesy will be returned for every  
17           person.
  - 18           ◦ Refraining from making gestures, facial expressions, or audible  
19           comments as manifestations of approval or disapproval of testimony  
20           or argument.
- 21          • Being considerate of the time constraints and pressures on the Court and  
22           court staff inherent in their efforts to administer justice.
- 23          • Acting and speaking civilly to court marshals, court clerks, court reporters,  
24           secretaries, and law clerks with an awareness that they too are an integral

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26          <sup>4</sup> For more detailed guidance, counsel are advised to refer to the Central District of  
27           California's Civility and Professionalism Guidelines, which can be found at  
28           <http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines>.

1 part of the judicial system.

2 **C. Guidance for Pro Se Litigants**

3 Parties who represent themselves in civil litigation (*i.e.*, appear pro se) should  
4 be aware that the Court holds these parties to the same standards of conduct to  
5 which it holds attorneys.

6 The following links may be helpful to those representing themselves in civil  
7 matters:

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- 9 • General information on how parties may represent themselves and/or  
10 receive free assistance in civil cases in the Central District of California can  
11 be found at <https://prose.cacd.uscourts.gov>.
- 12 • Local Civil Rules for the Central District of California can be found at  
<http://www.cacd.uscourts.gov/court-procedures/local-rules>.
- 13 • Federal Rules of Civil Procedure can be found at  
<https://www.law.cornell.edu/rules/frcp>.

14 **D. Presence of Lead Counsel**

15 Lead trial counsel must attend any proceeding before this Court, including all  
16 Scheduling, Pretrial, and Settlement Conferences. Failure of lead counsel to appear  
17 for those proceedings is a basis for sanctions.

18 The Court has a strong commitment to fostering the development of new and  
19 diverse lawyers in the legal community. Consequently, the Court strongly  
20 encourages litigants to provide opportunities to less experienced lawyers or  
21 lawyers whose identities and/or backgrounds further the diversity of the legal  
22 profession to conduct hearings before the Court, particularly where they  
23 contributed significantly to the underlying motion or prepared the witness. Of  
24 course, the ultimate decision of who speaks on behalf of the client is for the client  
25 and not the Court.

26 If lead counsel decides to take advantage of this opportunity, they should  
27 notify the CRD at [SSS\\_chambers@cad.uscourts.gov](mailto:SSS_chambers@cad.uscourts.gov) no later than the Monday

1 before the hearing.

2           **E. Interpreter Services**

3           Counsel in civil actions are responsible for arranging for the services of an  
4 interpreter. The Interpreter's Office may be reached at (213) 894-4599.

5           **V. SCHEDULING**

6           **A. Scheduling Conference and Rule 26(f) Meeting of Counsel**

7           The Court hears scheduling conferences on **Fridays beginning at 1:00 p.m.<sup>5</sup>**  
8 Pursuant to Federal Rules of Civil Procedure 16(b) and 26(f), the Court will issue  
9 an Order Setting a Scheduling Conference.

10          Counsel must meet no later than three (3) weeks prior to the Scheduling  
11 Conference. This meeting may occur telephonically and need not occur in person.  
12 A written exchange of correspondence will not satisfy this requirement.

13          Unless otherwise ordered, no later than two (2) weeks before the Scheduling  
14 Conference, the parties must file a Joint Rule 26(f) Report, which must include a  
15 completed Scheduling Worksheet that be found at  
16 <https://www.cacd.uscourts.gov/sites/default/files/documents/SSS/AD/Order%20Setting%20Scheduling%20Conference%20%2811-7-2024%29.pdf>. A Joint  
17 Rule 26(f) Report which is not timely filed or does not conform with this Order,  
18 Federal Rule of Civil Procedure 26(f), and applicable Local Rules will interfere  
19 with preparation by the Court and its staff and may result in the assessment of  
20 sanctions. The Joint Rule 26(f) Report must address the matters set forth in Federal  
21 Rule of Civil Procedure 26(f), as well as those enumerated in the Court's Order  
22 Setting Scheduling Conference.

23           **B. Settlement Conference/ Alternative Dispute Resolution (“ADR”)**

24          As stated in Local Rule 16-15, the parties in every action must participate in a

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27          <sup>5</sup> The Court routinely vacates these hearings absent extenuating circumstances.  
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1 Settlement Conference or Alternative Dispute Resolution (ADR) procedure. The  
2 Court will not hold a Final Pretrial Conference or convene a trial unless and until  
3 all parties, including the principals of all corporate parties, have completed ADR.

4 This Court participates in the court-directed ADR Program whereby the Court  
5 refers the parties to the Magistrate Judge, the court Mediation Panel, or private  
6 mediation. *See General Order 11-10, § 5.1.* If a Notice to Parties of  
7 Court-Directed ADR Program (ADR-08) has been filed in an action, counsel  
8 must furnish and discuss it with their clients in preparation for the Rule 26(f)  
9 conference. In their Joint Rule 26(f) Report, counsel should state their preferred  
10 ADR procedure. The Court will refer the action to a procedure at the initial  
11 scheduling conference. More information about the ADR Program, the Mediation  
12 Panel, and mediator profiles is available on the Central District of California's  
13 website at <https://www.cacd.uscourts.gov/attorneys/adr>. The parties should notify  
14 the Court if they believe that further settlement or mediation would be beneficial  
15 via email to the Court's CRD at SSS\_chambers@cad.uscourts.gov.

## 16 VI. DISCOVERY

### 17 A. Compliance with Federal Rule of Civil Procedure 26(a)

18 The parties should begin to propound discovery before the Scheduling  
19 Conference. The parties must comply fully with the letter and spirit of Federal Rule  
20 of Civil Procedure 26(a) and produce discovery promptly. At the Scheduling  
21 Conference, the Court will impose firm deadlines governing the completion of  
22 discovery.

### 23 B. Discovery Matters Referred to United States Magistrate Judge

24 All discovery matters are hereby referred to the assigned Magistrate Judge,  
25 who will hear all discovery disputes. The assigned Magistrate Judge's initials  
26 follow the Judge Sykes' initials next to the action number. All discovery-related  
27 documents must include the words "DISCOVERY MATTER" in the caption to  
28 ensure proper routing. Counsel are directed to contact the Magistrate Judge's CRD

1 and must follow the Magistrate Judge's procedures to schedule matters for hearing.  
2 These procedures are stated on each Magistrate Judge's webpage. Unless the  
3 assigned Magistrate Judge explicitly waives the Mandatory Chambers Copy rule,  
4 Counsel must deliver Mandatory Chambers Copies of discovery-related papers  
5 to the assigned Magistrate Judge. Parties are not to deliver courtesy copies of  
6 discovery documents to Judge Sykes' chambers.

7 In accordance with 28 U.S.C. § 636(b)(1)(A), the Magistrate Judge's decision  
8 is final, and this Court will not reverse any order of the Magistrate Judge unless it  
9 has been shown that the Magistrate Judge's order is clearly erroneous and contrary  
10 to law. Any party may file and serve a motion for review and reconsideration  
11 before this Court. *See Local Rule 72-2.* The moving party must file and serve the  
12 motion within two (2) weeks of service of a written ruling or an oral ruling that the  
13 Magistrate Judge states will not be followed by a written ruling. The motion must  
14 specify which portions of the ruling are clearly erroneous and contrary to law, and  
15 the claim must be supported by points and authorities. Counsel must provide the  
16 Magistrate Judge with chambers copies of the moving papers and responses.

17 **VII. MOTIONS: GENERAL REQUIREMENTS**

18 **A. Meet and Confer Requirement**

19 Counsel should take note of Local Rule 7-3, which requires "counsel  
20 contemplating filing of any motion" to "first contact opposing counsel to discuss  
21 thoroughly, preferably in person, the substance of the contemplated motion and  
22 any potential resolution." Counsel should discuss the issues sufficiently such that  
23 if a motion is still necessary, the briefing may be directed to those substantive  
24 issues requiring resolution by the Court. Counsel should resolve minor procedural  
25 or other non-substantive matters during the conference. The Court strongly  
26 encourages the parties to resolve issues during their meet and confer and, wherever  
27 possible, work to cure any agreed upon deficiencies by following the amendment  
28 procedures set out in Federal Rule of Civil Procedure 15. Consistent with the

1 Ninth Circuit's ruling in *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000)  
2 (en banc), in evaluating a motion to dismiss, this Court may grant leave to amend  
3 where the Court determines that the plaintiff is able to cure the deficiencies in the  
4 complaint.

5 The notice of motion or other request must include a statement of compliance  
6 with the meet and confer requirements set out in Local Rule 7-3. The Court may  
7 strike or deny a motion or other relief if counsel fails to meet and confer in good  
8 faith. Consistent with Local Rule 7-3, the moving party's Counsel is required to  
9 include the following statement in their notice of motion: "This motion is made  
10 following the conference of counsel pursuant to L.R. 7-3 which took place on  
11 (date)." In addition to the previous statement, this Court requires counsel to  
12 include: (1) the names of the counselor's present at the conference, (2) when the  
13 conference was held, (3) how long the conference lasted, (4) the manner in which  
14 the conference was held, (5) what issues were discussed, and (6) what issues the  
15 parties were unable to resolve. The parties are further advised that email  
16 correspondence alone is insufficient to satisfy this requirement.

17 **B. Under Seal Filings**

18 Local Rule 79-5 governs applications to file documents under seal. Local  
19 Rule 79-5.2.2 explains how to apply to file under seal and how to proceed if  
20 leave is granted. Parties must comply with all provisions of Local Rule 79-5.

21 There is a strong presumption of access to judicial records in civil actions.  
22 *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016)  
23 (citing *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir.  
24 2003)).

25 For each document or other type of information a party seeks to file under  
26 seal, the party must identify the factual and/or legal justification that establishes  
27 "good cause" or "compelling reasons" for the information to be protected.  
28 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-80 (9th Cir. 2006).

1           The “compelling reasons” standard applies when either the document itself  
2 or the motion to which the document is attached is more than tangentially related  
3 to the merits of the case. *Ctr. for Auto Safety*, 809 F.3d at 1096-97, 1099, 1101.  
4 When the document is attached to a motion that is unrelated or only tangentially  
5 related to the merits of the case, “a party need only satisfy the less exacting ‘good  
6 cause’ standard.” *Id.* at 1097 (citing *Foltz*, 331 F.3d at 1135).

7           Documents that are not confidential or privileged in their entirety should not  
8 be filed under seal if the confidential portions can be redacted and filed separately  
9 with a reasonable amount of effort. The parties should file a complete version of  
10 the documents under seal and a redacted version for public viewing, omitting only  
11 the portions that the Court has authorized to be filed under seal.

12           Sealing must be justified for each individual item. Blanket claims of  
13 confidentiality will result in the application to seal being denied. Counsel are  
14 strongly encouraged to consider carefully whether sealing or redaction is  
15 absolutely required for a given piece of evidence or argument. An application to  
16 seal that includes meritless requests to seal or redact documents will be denied.  
17 The parties must also meet and confer before filing an application to seal. If the  
18 parties intend to file multiple applications to seal, they are encouraged to file a  
19 joint application to seal that identifies (1) the record evidence that all parties agree  
20 should be sealed and (2) the record evidence each party separately desires to be  
21 sealed. All applications to seal must be filed at least two weeks before the  
22 anticipated motion is filed.

23           C. Filing and Hearing Motions

24           Motions must be filed in accordance with Local Rule 7. This Court hears civil  
25 motions on **Fridays beginning at 2:00 pm**. If Friday is a national holiday,  
26 motions will be heard on the next Friday. It is not necessary to clear a hearing date  
27 with Judge Sykes’ CRD before filing a motion, **except for motions for summary**  
28 **judgment, motions for preliminary injunction, and motions for class**

certification. For these three motions, contact the CRD via the Court's chambers email address at SSS\_Chambers@cacd.uscourts.gov to reserve a hearing date. There are limited available hearings on any given date. Counsel are encouraged to reserve a date as soon as possible because failure to obtain the desired date may result in an inability to file the respective motion by the schedule deadline. If the moving party fails to obtain a date, the motion will be stricken for failure to notice a hearing under Local Rule 6-1. For all motions, if the hearing date selected is not available, the Court will issue a minute order continuing the date.

#### **D. Length and Format of Motion Papers**

Pursuant to Local Rule 11-6, Memoranda of Points and Authorities in support of or in opposition to motions, absent leave of Court, must not exceed 7,000 words including headings, footnotes, and quotations, but excluding the caption, the table of contents, the table of authorities, the signature block, the certification required by Local Rule 11-6.2, and any indices and exhibits. Replies must not exceed ten (10) pages. Only in rare instances and for good cause shown will the Court grant an application to extend these page limitations. Pursuant to Local Rule 11-8, all Memoranda of Points and Authorities exceeding ten (10) pages must be accompanied by a Table of Authorities and a Table of Contents. All briefing must use Times New Roman font. Text must be no less than fourteen (14) point font; footnotes must be no less than twelve (12) point font.

Counsel must adhere to Local Rule 5-4.3 with respect to the conversion of all documents to .pdf format so that when a document is electronically filed, it is in proper size and is .pdf searchable. Further, all documents must be filed in a format so that text can be selected, copied, and pasted directly from the document.

*See Local Rule 5-4.3.1.*

#### **E. Voluminous Materials**

If documentary evidence in support of or in opposition to a motion exceeds 50 pages, the evidence must be separately bound and tabbed and include an index.

1 If such evidence exceeds 200 pages, the documents must be placed in a three-ring  
2 binder, with an index and with each item of evidence separated by a tab divider.

3 **F. Citations to Case Law**

4 Citations to case law must identify the case cited and the specific page  
5 referenced. For example, if a quotation is presented, the associated page citation  
6 must be provided. Similarly, if a case is cited in support of a proposition based on  
7 language in the opinion, the page on which such language appears must be  
8 provided. When citing to legal databases, wherever possible cite to Westlaw rather  
9 than Lexis. Bluebook style is required.

10 **G. Citations to Other Sources**

11 Statutory references must identify with specificity the sections and  
12 subsections referenced. Citations to treatises, manuals, and other materials should  
13 include the volume, section, and pages being referenced. Citations to prior filings  
14 in the same action must include the docket entry number, section, and pages  
15 referenced. Bluebook style is required.

16 **H. Matters Under Submission**

17 If the Court deems a matter appropriate for decision without oral argument,  
18 the Court will take the matter under submission and notify the parties before the  
19 hearing.

20 **VIII. MOTIONS: SPECIFIC REQUIREMENTS**

21 **A. Motions Pursuant to Federal Rule of Civil Procedure 12**

22 Many motions to dismiss or strike can be avoided if the parties confer in  
23 good faith as required by Local Rule 7-3, especially for perceived defects in a  
24 complaint, answer, or counterclaim that can be corrected by amendment. *See*  
25 *Polich v. Burlington Northern, Inc.*, 942 F.2d 1467, 1472 (9th Cir. 1991) (noting  
26 that where a motion to dismiss is granted, a district court should grant leave to  
27 amend unless it is clear the complaint cannot be saved by amendment). Moreover,  
28 a party has the right to amend the complaint “once as a matter of course at any

1 time before a responsive pleading is served.” Fed. R. Civ. P. 15(a). Even after a  
2 complaint has been amended or a responsive pleading has been served, the Federal  
3 Rules of Civil Procedure provide that leave to amend should be “freely given when  
4 justice so requires.” Fed. R. Civ. P. 15(a). Indeed, the Ninth Circuit requires that  
5 this policy favoring amendment be applied with “extreme liberality.” *Morongo*  
6 *Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990).

7 Consequently, parties should carefully consider and weigh an opponent’s  
8 contentions as to the deficiencies in a pleading. The Court expects that, in most  
9 instances, the parties will agree to any amendment that would cure the defect.

10 **B. Motions to Amend**

11 In addition to the requirements of Local Rule 15-1, all motions to amend  
12 pleadings must: (1) state the effect of the amendment; (2) be serially numbered to  
13 differentiate the amendment from previous amendments; and (3) identify the pages,  
14 line numbers, and wording of any proposed change or addition of material.

15 Counsel must file a “Notice of Lodging” attaching the proposed amended  
16 pleading as a document separate from the motion, as well as a “redlined” version of  
17 the proposed amended pleading identifying all additions and deletions of material  
18 as an appendix to the moving papers. An additional copy of the readlined pleading  
19 must be provided to Chambers by email at SSS\_Chambers@cacd.uscourts.gov on  
20 the same day that the amended pleading is filed electronically. This paragraph  
21 applies equally to complaints, answers, cross-complaints, supplemental pleadings,  
22 and amendments made as a matter of right pursuant to Federal Rule of Civil  
23 Procedure 15(a)(1). Absent a showing of good cause, failure to comply with this  
24 paragraph will result in the Court striking the amended pleading.

25 **C. Motions for Default Judgment**

26 Motions for Default Judgment wherein some, but not all, of the named  
27 defendants are alleged to have defaulted **must be noticed for the same hearing**  
28 **date as the Parties’ Final Pretrial Conference** and filed in accordance with the

1 motion requirements described in the Local Rules. L.R. 7-3, 7-9, 7-10. Any Motion  
2 for Default Judgment **must be accompanied by a detailed proposed order that**  
3 **the Court can adopt.** Any proposed order must set forth the relief or action  
4 sought and a brief statement of the rationale for the decision with appropriate  
5 citations. In addition, a copy of the proposed order in Word format must be emailed  
6 to Chambers on the day the document is filed.

7 **D. Motions in Limine**

8 Motions in limine must be scheduled for hearing one (1) week before the  
9 Final Pretrial Conference date as detailed in the Scheduling Worksheet. The Court  
10 does not allow parties to file a Reply in Support of their Motions in limine, and any  
11 Reply filed to that effect shall be stricken.

12 **E. Motions for Class Certification**

13 If the action is a putative class action, the parties are to act diligently and  
14 begin pre-certification discovery immediately, so that the motion for class  
15 certification can be filed expeditiously. **All merits discovery is hereby stayed**  
16 **until further order of the Court.** This Court requires an extended briefing  
17 schedule for motions for class certification as set forth below:

- 18 • **Motions for Class Certification:** Must be filed at least 7 weeks before the  
19 hearing date.
- 20 • **Opposition:** Must be filed at least 5 weeks before the hearing date.
- 21 • **Reply:** Must be filed at least 4 weeks before the hearing date.

22 **The above briefing schedule is the default.** The parties may stipulate to a  
23 modified schedule that is reasonable for all parties. Any briefing schedule must  
24 provide the Court at least 4 weeks between the reply deadline and the hearing date.

25 **F. Summary Judgment Motions**

26 No party may file more than one (1) motion pursuant to Federal Rule of Civil  
27 Procedure 56, regardless of whether such motion is denominated a motion for  
28 summary judgment or summary adjudication, without leave of the Court. The

1 parties must not attempt to evade the page limitations for briefs by filing multiple  
2 motions. If a party believes this is one of the rare instances in which good cause  
3 exists for more than one motion for summary judgment or to increase page limits,  
4 the party must seek leave by noticed motion setting forth a detailed showing of  
5 good cause. Pursuant to Federal Rule of Civil Procedure 56(f), when appropriate,  
6 based on undisputed facts and controlling principles of law, the Court may *sua*  
7 *sponte* enter summary judgment in favor of the non-moving party.

8 The Court does not generally entertain cross-motions that seek to adjudicate  
9 the same legal issues. If parties wish to cross-move for summary judgment,  
10 counsel must meet and confer to discuss the substance of the anticipated motions  
11 and which party will move and which will oppose the single motion for summary  
12 judgment. To cross-move for summary judgment, the parties must file a stipulation  
13 explaining why cross motions are beneficial and expeditious.

14 Parties need not wait until the motion cutoff date to bring motions for  
15 summary judgment or partial summary judgment. The hearing on any such motion  
16 must be set for a date in advance of the Final Pretrial Conference. This Court  
17 requires an extended briefing schedule for motions for summary judgment, as set  
18 forth below:

- 19 • Motions for Summary Judgment: Must be filed at least seven (7) weeks  
20 before the hearing date.
- 21 • Opposition: Must be filed at least five (5) weeks before the hearing date.
- 22 • Reply: Must be filed at least four (4) weeks before the hearing date.

23 **The above briefing schedule is the default.** The parties may stipulate  
24 to a modified schedule that is reasonable for all parties. Any briefing schedule  
25 must provide the Court at least 4 weeks between the reply deadline and the  
26 hearing date.

27 The parties should prepare papers in a fashion that will assist the Court in  
28 processing and analyzing the volume of material (*e.g.*, tables of contents, headings,

1 indices, bookmarks in electronic documents, pinpoint citations, etc.). The parties  
2 must comply with Local Rules 56-1 and 56-2, in addition to the Court's additional  
3 requirements described below.

4 **1. Statement of Uncontroverted Facts and Genuine Disputes**

5 The separate statement of uncontroverted facts required under Local Rule  
6 56-1 must be prepared in a two-column table, as shown below. The left column  
7 sets forth the allegedly undisputed fact. The right column sets forth the evidence  
8 that supports the factual statement. The factual statements should be set forth in  
9 sequentially numbered paragraphs. Each paragraph should contain a narrowly  
10 focused statement of fact. Each numbered paragraph should address a single  
11 subject as concisely as possible.

<b>Undisputed Fact</b>	<b>Evidence</b>
1. Mike and Jane signed a contract for the sale and purchase of property.	Smith Decl. (Dkt. No. 61-2) ¶ 5, Ex. 6.
2. Jane mailed the contract in May 2017.	Smith Decl. ¶ 8, Ex. 21.

15  
16 The “Conclusions of Law” portion of the statement should be inserted after the  
17 statement of uncontroverted facts. For example: “Plaintiff’s Claim for \_\_\_\_\_ Is  
18 Barred by the Applicable Statute of Limitations.”

19 The opposing party’s statement of genuine disputes of material fact must  
20 be in two columns and track the moving party’s separate statement exactly as  
21 prepared. The left column must restate the allegedly undisputed fact and the  
22 right column must state either that it is undisputed or disputed. The opposing  
23 party may dispute all or only a portion of the statement, but if disputing  
24 only a portion, it must clearly indicate what portion is being disputed, followed  
25 by a brief citation to the opposing party’s evidence controverting the fact. To  
26 demonstrate that a fact is disputed, the opposing party must briefly state why it  
27 disputes the moving party’s asserted fact, cite to the relevant exhibit or other  
28 evidence, and describe the reason(s) the exhibit or evidence refutes the asserted

fact. No legal argument should be set forth in this document. For example:

Allegedly Undisputed Fact and Evidence	Disputed/Undisputed Fact and Evidence
1. Mike and Jane signed a contract for the sale and purchase of property. Smith Decl. (Dkt. No. 61-2) ¶ 5, Ex. 6.	Disputed. Jane testified that the contract was for a lease, not a purchase. Jane Depo (Smith Decl. Ex. 4) 29:4-16.
2. Jane mailed the contract in May 2017. Smith Decl. ¶ 8, Ex. 21.	Disputed as to date. Jane testified she mailed the contract in June 2017. Jane Depo. at 3:4-10.

The opposing party may submit additional material facts that bear on or relate to the issues raised by the moving party, which must follow the format described above for the moving party's separate statement. These additional facts must continue in sequentially numbered paragraphs with the evidence that supports each statement set forth in the right column.

With its reply, the moving party must file a response to the statement of genuine disputes of material fact and additional material facts. For each fact, the response must restate the allegedly undisputed fact and state whether the fact is disputed or undisputed by the opposing party. If the fact is undisputed, no further response is required.

If the fact is disputed, the response must restate the opposing party's evidence and reason for disputing the asserted fact. The moving party may provide a response to the opposing party's reason for dispute, including any reason why the evidence cited by the opposing party does not create a genuine dispute and/or any additional evidence relevant to the asserted fact. This response may either be presented in three columns, with the response appearing in the right column, or in two columns, with a response provided below each fact.

The response may also include any response to additional material facts asserted by the non-moving party, and this response must follow the format described above for the statement of genuine disputes of material fact. The response to these additional facts must continue in sequentially numbered

1 paragraphs and must not restart the numbering.

2 All facts asserted by either party, whether disputed or undisputed, and all  
3 supporting evidence cited, must be included in the response. Do not repeat  
4 descriptions of and citations to the evidence. If you have already described and  
5 cited the evidence once, simply refer to the earlier citation succinctly (*e.g.*, “*See*  
6 *supra*, Fact #1.”).

7 **2. Supporting Evidence**

8 No party must submit evidence other than the specific items of evidence or  
9 testimony necessary to support or controvert a proposed statement of undisputed  
10 fact. For example, entire deposition transcripts, entire sets of interrogatory  
11 responses, and documents that do not specifically support or controvert material  
12 in the separate statement must not be submitted in support of or in opposition to  
13 a motion for summary judgment.

14 Evidence submitted in support of or in opposition to a motion for summary  
15 judgment should be submitted either by way of stipulation or as exhibits to  
16 declarations sufficient to authenticate the proffered evidence and should not be  
17 attached to the memorandum of points and authorities. Documentary evidence  
18 for which there is no stipulation regarding foundation must be accompanied by  
19 the testimony, either by declaration or properly authenticated deposition transcript,  
20 of a witness who can establish authenticity.

21 **3. Objections to Evidence**

22 If a party disputes a fact based in whole or in part on an evidentiary objection,  
23 the ground for the objection should be stated succinctly in a separate statement of  
24 evidentiary objections in a two-column format. The left column should identify the  
25 items objected to (including page and line number if applicable) and the right  
26 column should set forth a concise objection (*e.g.*, hearsay, lack of foundation, etc.)  
27 with a citation to the Federal Rules of Evidence or, where applicable, a case  
28 citation. A proposed order must be filed and attached to the evidentiary objections

1 as a separate Word document consistent with Local Rule 52-4.1 and emailed  
2 directly to the Court's chambers email address at  
3 SSS\_Chambers@cacd.uscourts.gov.

4 **IX. OTHER MATTERS**

5 **A. ERISA Cases (Benefits Claims)**

6 The Court will hear motions to determine the standard of review, whether  
7 discovery will be permitted, and the scope of the administrative record. Counsel  
8 are discouraged from filing motions for summary judgment or partial summary  
9 judgment on any other issue. If they choose to do so, they must distinguish  
10 *Kearney v. Standard Insurance Co.*, 175 F.3d 1084, 1093-95 (9th Cir. 1999)  
11 (en banc) in the moving papers and explain why summary judgment is not  
12 precluded. The parties may receive an Order Setting a Scheduling Conference as  
13 a matter of course. Because the ordinary pretrial and trial schedule does not apply  
14 to these ERISA cases, the parties need only submit a Joint Status Report  
15 identifying any special issues that should be considered. The parties should proceed  
16 with the preparation of the administrative record and briefing without delay  
17 upon service of the complaint. A court trial, ordinarily limited to oral argument  
18 on the administrative record, will be scheduled within six (6) months from the  
19 filing of the original complaint, unless good cause for additional time is shown in  
20 the status report. If the Court concludes that the decision would not benefit from  
21 oral argument, the matter may be submitted for decision on the paper.

22 **B. Bankruptcy Appeals**

23 Counsel must comply with the Notice Regarding Appeal from Bankruptcy  
24 Court issued at the time the appeal is filed in the District Court. The matter is  
25 deemed under submission on the filing of the appellant's reply brief. The Court  
26 considers bankruptcy appeals on the papers and usually does not set these matters  
27 for hearing.

28 //

1           **X. Consequences for Non-Compliance**

2           If, without satisfactory explanation, counsel fail to file the required Joint Rule  
3           26(f) Report or the required pretrial documents, fail to appear at any scheduled  
4           proceeding, or otherwise fail to comply with the Court's orders or rules, the Court  
5           must take any action it deems appropriate, including:

6           • Where the failure occurs on the part of the plaintiff, dismissal of the case  
7           for failure to prosecute;

8           • Where the failure occurs on the part of the defendant, striking the answer  
9           resulting in default; and/or

10          • Imposing monetary sanctions against the offending party and counsel.

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12          **IT SO ORDERED.**

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15          Dated: May 6, 2025



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SUNSHINE S. SYKES  
UNITED STATES DISTRICT JUDGE